

## MEPA's 35-Year Legislative History

Date	Bill Number	Bill Sponsor	Bill Title/Description	Bill Disposition
1971	HB 66	Darrow	Establish a state policy for the environment and to establish an Environmental Quality Council and to set forth its powers and duties.	Passed
1971	HB 600	Darrow	Provide funding for the Environmental Quality Council.	Failed
1971	HB 35	Darrow	Appropriate \$7,500 to the Environmental Quality Council for the remainder of the biennium to implement the provisions of MEPA.	Passed
1971	HB 36	Darrow	Appropriate \$87,500 for the operation of the EQC for the biennium ending June 30, 1973.	Passed
1974	HB 882	Shelden	Amend MEPA to require state agencies to adopt fees for EISs.	Failed
1974	HJR 73	Brown, Swanberg, et al	Provide for adequate representation of economic aspects of the total human environment.	Passed
1975	HB 340	Shelden	Authorize state agencies to adopt rules imposing a fee to be paid by an applicant for a lease, permit, contract license, or certificate when an agency is required to compile an environmental impact statement. Enacts sections 75-1-202 through 75-1-207, MCA.	Passed
1975	HB 401	Hager	Revise EQC members' terms, make Governor's representative nonvoting. Public members appointed by the Legislature rather than the Governor.	Passed
1975	SB 332	Graham	Repeal MEPA	Failed
1977	HB 57	Marks	Make consistent the statutes on the compensation and expenses paid to legislators. Amended 75-1-302, MCA.	Passed
1977	SJR 14	Story	Reduce the cost and duplication in the EIS process.	Passed
1977	HB 592	Meloy	Amend MEPA, specify the duties of the Governor concerning environmental affairs; expand MEPA authority similar to that of NEPA.	Failed
1977	HB 662	Nathe	Environmental Policy Planning and Legislation Study; redefine role of the EQC and coordinate environmental planning.	Failed
1977	SB 82	Dunkle	Revise EQC membership; remove public members.	Failed
1977	SB 247	Dover	Delete the option of state agencies to charge fees for EISs.	Failed
1977	SB 302	Roskie	Specify that MEPA does not expand the decisionmaking authority of state agencies.	Failed
1977	SB 314	Hager	Change method of filling vacancies on the EQC; have vacancy filled in same manner as original appointment instead of by Governor.	Failed
1977	SB 388	Hager	Amend MEPA to clarify state agency duties in environmental decisionmaking and provide judicial review.	Failed
1979	HB 815	Nathe	Exempt the Department of Public Service Regulation, in the exercise of its regulatory authority over rates, from the requirements of MEPA. Amended 75-1-201, MCA.	Passed
1979	HB 680	Kraalen	Retain MEPA; abolish the EQC	Failed

1979	SB 246	Hager	Remove public members and Governor from the EQC. Change name.	Failed
1979	SB 506	Roskie	Prohibit expansion of agency decisionmaking authority; authorize the EQC to review legislation for potential impacts.	Failed
1981	HB 682	Kemmis	Abolish the EQC	Failed
1981	SB 282	Dover	Establish a legislative energy and natural resources policy review committee; expand role of the EQC as adjudicator of complaints on resource issues.	Failed
1983	HB 489	Bardanouve	Revise existing code language to conform to Treasury Fund structure terminology. Amended 75-1-205, MCA.	Passed
1983	SB 368	Lee	Amend MEPA to explicitly state that it does not expand agency authority beyond existing authorizations otherwise possessed by boards, commissions, and agencies of the state.	Failed
1983	SB 406	Gage	Exempt the DHES from MEPA in its review of subdivisions; require the department to consider the environmental assessments submitted to local governments by developers under the Montana Subdivision and Platting Act.	Failed
1983	SJR 20	Lee	Request the EQC to conduct an interim study of MEPA; focus primarily on whether or not MEPA should expand agency authority to deny or condition permits because of adverse environmental impacts.	Failed
1985	SB 410	Keating	Declare that the issuance of a permit to drill an oil or gas well is not a major action under the provisions of MEPA.	Failed
1987	SB 184	Tveit	Exempt the issuance of oil and gas drilling permits from MEPA until a programmatic environmental statement is adopted.	Passed
1987	HB 830	Keenan	Exempt environmental reviews from small miner confidentiality provision.	Failed
1987	HB 879	Cobb	Appropriation for a programmatic review of the environmental impacts of oil and gas drilling.	Failed
1989	SB 201	Keating	Extend the exemption of oil and gas drilling permits from MEPA until December 31, 1989, the date by which the board must adopt a programmatic EIS. Amended 75-1-201, MCA.	Passed
1989	SB 327	Keating	Exempt certain state actions from MEPA; allow agencies to find on a case-by-case basis that an exempted action or combination of actions is a major action significantly affecting the quality of the human environment; require agencies to adopt this finding as a declaratory ruling pursuant to the Montana Administrative Procedure Act.	Failed
1991	HB 231	Cobb	Establish a process for delivering reports to the Legislature. Amended 75-1-203, MCA.	Passed
1991	HB 576	Harper	Require an environmental review prior to the transplantation or introduction of a fish species.	Passed
1993	SB 384	Lynch	Revise statutes governing reports to the Legislature; remove the requirement for the EQC to transmit a state of the environment report to the Legislature, the Governor, and the public. Amended 75-1-203 and 75-1-324, MCA.	Passed
1993	SB 320	McClernan	Exempt certain actions from MEPA that involve an amendment to a hard-rock mine operating permit (categorical exclusions, administrative actions, ministerial actions, repair and maintenance actions, investigation and enforcement actions, actions that are primarily economic or social in nature, insignificant boundary changes in the permit area, and changes in an operating plan that was previously permitted).	Passed

1993	HB 599	Grimes	Clarify that the Department of State Lands may not prepare an EIS for an operating permit that will not, as modified by mitigation requirements agreed to by an applicant, significantly affect the quality of the human environment.	Failed
1993	SB 253	Gage	Abolish the EQC and transfer some of its duties to Legislative Services.	Failed
1995	HB 274	Wagner	Exempt certain emergency and limited access opportunity timber sales from MEPA.	Passed
1995	SB 231	Mesaros	Revise the purpose and policy of MEPA to include private property right considerations and the impacts of state government actions. Amended 75-1-102, 75-1-103, and 75-1-201, MCA.	Passed
1995	SB 234	Grosfield	Reorganize the state's natural resource agencies. Amended 75-1-201, MCA	Passed
1995	SB 288	Keating	Clarify the burden of proof for actions in which an agency determines not to conduct an EIS; exempt the Legislature from the provisions of MEPA. Amended 75-1-201, MCA.	Passed
1995	SB 347	Crismore	Authorize the Department of State Lands to negotiate reciprocal access to facilitate the management of isolated state forest lands.	Passed
1995	SB 398	Gage	Generally revise the laws governing the Legislative Branch; eliminate the position of Executive Director and create the position of Legislative Environmental Analyst within the Legislative Services Division; move the duties of the staff to the Council. Amended sections 75-1-201, 75-1-323, and 75-1-324, MCA, and repealed sections 75-1-321 and 75-1-322, MCA.	Passed
1997	HB 132	Knox	Require the Departments of Environmental Quality, Agriculture, and Natural Resources and Conservation to report specific compliance and enforcement information to the Environmental Quality Council. Enacted section 75-1-314, MCA.	Passed
1997	HB 344	Peck	Revise the procedures for University System land transactions and clarify that proposed transactions must comply with MEPA and the Montana antiquities laws.	Passed
1997	HB 607	Grinde	Provide for the issuance of historic right-of-way deeds by the Department of Natural Resources and Conservation.	Passed
1997	HB 475	Cobb	Require the Department of Environmental Quality to assess the use of microbes in EISs for metal mines.	Failed
1999	HB 142	S. Anderson	Clarify the treatment of a transfer of ownership under MEPA; limit a court's scope of review for an action or challenge that an environmental statement or review is not required or is inadequate. Amended section 75-1-201, MCA.	Passed
1999	SB 64	Mohl	Exempt the transfer of permits for portable emission sources from MEPA.	Passed
1999	SJR 18	McCarthy	Request that the Environmental Quality Council conduct a study on MEPA.	Passed
1999	HB 346	Raney	Require that state agencies with the responsibility of issuing a permit, lease, license, contract, or certificate for which an EIS is required provide an annual summary of compliance with mitigation measures, etc.	Failed

1999	SB 413	Grimes	Revise various aspects of MEPA; provide definitions; clarify the requirement that state agencies identify and develop methods and procedures that ensure that presently quantified environmental amenities and values may be given appropriate consideration in decisionmaking; require the director of a state agency commenting on a proposed action to determine the significance of the proposed action; clarify the treatment of a transfer of ownership; limit a court's scope of review for an action or challenge that an environmental statement or review is not required or that the statement or review is inadequate; require an environmental impact statement contractor to post a performance bond.	Failed
2001	SB 33	McCarthy	Clarify existing law to require that new issues not first presented to a state agency in a action challenging a decision under MEPA must be remanded by the District Court to the agency for its consideration.	Passed
2001	SB 376	Depratu	Exempt certain actions of the Department of Natural Resources and Conservation and the Board of Land Commissioners from MEPA environmental review requirements.	Passed
2001	SB 377	Grimes	Revise MEPA; provide time limits and procedures for conducting environmental reviews; provide definitions; provide that legal challenges to actions under MEPA may only be brought in district court or federal court within 60 days of a final agency action; and provide an exception to the permitting time limits if board review of certain agency decisions is requested.	Passed
2001	SB 408	McCarthy	Require that an agency determination of environmental impact significance or recommendation that a determination of significance be made for a project subject to MEPA be endorsed by the agency director; and authorizing the project sponsor to request a review of the significance determination or recommendation by the appropriate board.	Passed
2001	SJR 3	McCarthy	Request the Environmental Quality Council conduct an interim study of MEPA.	Failed
2001	HB 147	Dale	Require the Department of Environmental Quality to complete and publish a final environmental impact statement at least 15 days prior to the date of issuance of the written findings on a permit application.	Passed
2001	HB 459	Mood	Revise MEPA; provide criteria for the analysis of project alternatives; and provide definitions	Passed
2001	HB 473	Younkin	Clarify that actions subject to MEPA may not be conditioned beyond statutory or regulatory requirements; and provide definitions.	Passed
2001	HB 477	Kasten	Prohibit the use of an applicant's property or assets in the calculation of fees assessed for the production of an environmental impact statement.	Passed
2003	HB 142	Devlin	Require the state official responsible for the preparation of an environmental impact statement to consult with any local government that may be directly impacted by a project.	Passed
2003	HB 437	Olson	Revise laws governing the environment; and provide that the enactment of certain legislation (including MEPA) is the legislative implementation of Article II, section 3, and Article IX of the Montana Constitution.	Passed
2003	HB 175	Clark	Clarify the executive branch oversight duties of the environmental quality council.	Passed
2003	HB 436	Olson	Eliminate compliance with MEPA for state land leases that are subject to further permitting requirements.	Passed

2003	SB 78	McCarthy	Clarify that a Board of Land Commissioners or a Department of Natural Resources and Conservation action under Title 77, MCA, becomes a final agency action under MEPA.	Passed
2003	SB 392	Bales	Require that when the Department of Fish, Wildlife, and Parks develops a management plan, that management plan is subject to the provisions of MEPA.	Passed
2005	HB 470	Clark	Require applicants to pay costs and fees for preparation of environmental impact statements.	Passed
2005	HB 51	Olson	Clarify the definition of cumulative impacts as it relates to consideration of future actions under MEPA.	Failed
2005	SB 281	Williams	Provide that an agency may impose conditions on a permit, proposed agency project, or other authority to act, based on the impacts identified in an environmental review, in order to protect public health and safety and to protect fish and wildlife; and provide conditions when mitigation may be imposed.	Failed